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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,096	05/14/2001	Daniel A. Ford	ARC920000148US1	8606
23334 7590 06/16/2008 FLETT, KAIN, GIBBONS, GUTMAN, BONGINI & BIANCO P.L. ONE BOCA COMMERCE CENTER 551 NORTHWEST 77TH STREET, SUITE 111 BOCA RATON, FL 33487				
EXAMINER BHATTACHARYA, SAM				
ART UNIT		PAPER NUMBER		
2617				
NOTIFICATION DATE		DELIVERY MODE		
06/16/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptoboca@focusnip.com

Office Action Summary

Application No.

09/855,096

Applicant(s)

FORD ET AL.

Examiner

Sam Bhattacharya

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 and 22-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 11-20 and 22-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date: ____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11-20 and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shapiro (US 5,705,980) in view of Ansaldi et al. (US 5,343,206) and Hall et al. (US 7,027,801).

Regarding claims 11 and 16, Shapiro discloses method and system using a computer readable medium, including computing distances between a location of a first wireless communications device 12 and a respective location of each of at least one other wireless communication device 32; identifying a set of wireless communications devices that satisfy at least one distance threshold; and sending, to the first wireless communications device, the respective location and an identifier of each wireless communication device within the set. See FIG. 1, col. 4, lines 31-67, and col. 6, line 29 – col. 7, line 30.

Shapiro fails to disclose comparing each of the distances to at least one distance threshold stored within a list of preferences stored in a profile database in association with the first wireless communications device.

However, in an analogous art, Ansaldi discloses a processor that compares distances to at least one distance threshold stored within a list of preferences stored in a profile database in association with the first wireless communications device. See col. 8, lines 14-41. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

modify the method in Shapiro by incorporating these teachings in Ansaldi for the purpose of deciding whether to use an antenna beamforming technique or to broadcast signals at a maximum bandwidth.

Shapiro-Ansaldi fails to disclose maintaining a profile database storing a respective profile for each of a plurality of wireless communications devices, the respective profile for each of the plurality of wireless communications devices comprising at least one individualized distance threshold for each of the plurality of wireless communications devices.

However, in an analogous art, Hall discloses these limitations in col. 9, lines 13-56. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method in Shapiro-Ansaldi by incorporating these teachings in Hall for the purpose of ensuring that the communication resources are allocated among the devices based on need.

Regarding claim 12, Shapiro discloses that the location and identifier displaying on display 18, on the wireless device, the respective location and the identifier of each wireless device within the set.

Regarding claims 13, 14 and 17, Shapiro discloses a method and system using a computer readable medium, including computing distances between a location of a first wireless communications device 12 and a respective location of each of at least one other wireless communication device 32; identifying a set of wireless communications devices that satisfy the at least one distance threshold; and sending an alert notification to at least one wireless communications device within the set that satisfies preferences within the list of preferences. See FIG. 1, col. 4, lines 31-67, and col. 6, line 29 – col. 7, line 30.

Shapiro fails to disclose comparing each of the distances to at least one distance threshold stored within a list of preferences stored in a profile database in association with the first wireless communications device.

However, in an analogous art, Ansaldi discloses a processor that compares distances to at least one distance threshold stored within a list of preferences stored in a profile database in association with the first wireless communications device. See col. 8, lines 14-41. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method in Shapiro by incorporating these teachings in Ansaldi for the purpose of deciding whether to use an antenna beamforming technique or to broadcast signals at a maximum bandwidth.

Shapiro-Ansaldi fails to disclose maintaining a profile database storing a respective profile for each of a plurality of wireless communications devices, the respective profile for each of the plurality of wireless communications devices comprising at least one individualized distance threshold for each of the plurality of wireless communications devices.

However, in an analogous art, Hall discloses these limitations in col. 9, lines 13-56. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method in Shapiro-Ansaldi by incorporating these teachings in Hall for the purpose of ensuring that the communication resources are allocated among the devices based on need.

Regarding claims 15 and 18, Shapiro discloses that the at least one emergency service comprises at least one from the following list of emergency services: an emergency facility, an

emergency mobile unit, an emergency service person, an officer 38/40 with wireless communication device, and an individual with wireless communication device.

Regarding claim 19, Shapiro discloses that the respective location of each of at least one other wireless communications device is stored in a location database 94.

Regarding claim 20, Shapiro discloses receiving, in response to the step of sending, a selection of a selected wireless communications device from within the set; and initiating, in response to the step of receiving, communications between the first wireless communications device and the selected wireless communications device. See col. 3, lines 22-65.

Regarding claim 22, Shapiro discloses that the computing step is performed in response to a request transmitted by the first wireless communications device. See col. 7, lines 5-29.

Regarding claim 23, Shapiro discloses sending, to the wireless communications device, the respective location and an identifier of each emergency service within the set. See col. 6, line 29 – col. 7, line 30.

Regarding claim 24, Shapiro discloses receiving, at the first wireless communications device in response to the step of sending, a selection of a selected wireless communications device from within the set, wherein the selected wireless communications device is incompatible with the first wireless communications device; initiating, in response to the step of receiving and based on the selected wireless communications device being incompatible with the first wireless communications device, communications between the first wireless communications device and the selected wireless communications device; and performing, in response to the initiating, a protocol conversion between the first wireless communications device and the selected communications device. See col. 6, line 29 – col. 7, line 30.

Regarding claim 25, Shapiro discloses that the computing, the comparing, and the identifying are performed prior to receiving a communication request from the first wireless communications device, the method further comprising the steps of: storing, in a location database, the set of wireless communications devices consisting of a plurality of wireless communications devices within the plurality of other wireless communications devices that satisfy the at least one individualized distance threshold within the respective profile for the first wireless communications device; and retrieving, from the location database in response to receiving the communication request from the first communications device, the set of wireless communications devices consisting of a plurality of wireless communications devices within the plurality of other wireless communications devices that satisfy the at least one individualized distance threshold within the respective profile for the first wireless communications device, wherein the sending is performed after the retrieving. See col. 6, line 29 – col. 7, line 30.

Response to Arguments

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571) 272-7917. The examiner can normally be reached on Weekdays, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

sb

/Sam Bhattacharya/

Examiner, Art Unit 2617